Agenda – Council – January 29, 2014

Report – Standing Policy Committee on Property and Development – January 14, 2014

Item No. 10 Closing – part of Springfield Road between Dunits Drive and Chief Peguis Trail (North Kildonan Ward) File DAC 6/2012

STANDING COMMITTEE RECOMMENDATION:

On January 22, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the street closing as shown on Misc. Plan No. 13595/6 be approved and that the land be declared surplus to the needs of the City.

2. That the Director of the Planning, Property and Development Department be authorized to convey the subject property to the applicant for $1.00 upon the execution of Servicing Agreement AG 21/2013 by all parties.

3. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the street closing in accordance with Misc. Plan No. 13595/6.

4. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Property and Development – January 14, 2014

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 22, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 14, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee with the following amendments:

- Add the following new recommendation 2:

"2. That the Director of the Planning, Property and Development Department be authorized to convey the subject property to the applicant for $1.00 upon the execution of Servicing Agreement AG 21/2013 by all parties."

- Renumber the remaining recommendations accordingly,

and forwarded the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 10, 2013, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 19, 2013, the East Kildonan-Transcona Community Committee concluded receipt of public representations and adjourned the public hearing to its meeting on December 10, 2013 at 6:00 p.m. in the Council Building, 510 Main Street.

PUBLIC HEARING SUMMARY

File:	DAC 6/2012
Before:	East Kildonan-Transcona Community Committee Councillor Steen, Chairperson Councillor Browaty Councillor Fielding
Public Hearing:	December 10, 2013 Council Building, 510 Main Street
Applicant:	McGowan Russell Group Inc.
Premises Affected:	part of Springfield Road between Dunits Drive and Chief Peguis Trail
Exhibits Filed:	1. Report from the Real Property Officer dated October 30, 2013 2. Inspection Report 3. Notice of Adjournment dated November 22, 2013

REPRESENTATIONS:

In Support:

Diane Dawiskiba
Susan Russell

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 6/2012

ADMINISTRATIVE REPORT

Title: **DAC 6/2012: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF PART OF SPRINGFIELD ROAD BETWEEN DUNITS DRIVE AND CHIEF PEGUIS TRAIL**

Critical Path: **EAST KILDONAN - TRANSCONA COMMUNITY COMMITTEE – STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT - EXECUTIVE POLICY COMMITTEE – COUNCIL**

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	B. Thorgrimson	N/A	N/A

RECOMMENDATIONS

1. That the proposed street closing as shown on Misc. Plan No. 13595/6 be approved and that the land be declared surplus to the City's needs.

2. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the street closing in accordance with Misc. Plan No. 13595/6.

3. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

REASON FOR THE REPORT

All street and lane closings require the consideration of the Community Committee.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no policy, regulatory, environmental, human resource or general implications associated with the recommendations.

All costs associated with the street closing are the responsibility of the applicant. There are no financial implications for the City of Winnipeg.

HISTORY

The Planning, Property and Development Department has received a request from McGowan Russell Group Inc., representing Palliser Furniture (Canada) Corporation, to close and purchase the portion of Springfield Road so identified on the attached copy of Misc. Plan No. 13595/6. The street, once closed, is to be incorporated into the future development of the adjoining applicant's property.

The proposed street closing area is to be retained as a private road and maintained by Palliser for access to their property shown bordered in dashed line on the sketch. Future plans for the closing area include street parking, an active transportation pathway and landscape buffer to be developed in conjunction with a proposed multi-family housing development on the Palliser property.

On September 25, 2013, Council concurred in the recommendation of the Standing Policy Committee on Property and Development, as amended by the Executive Policy Committee, and adopted the Palliser Major Redevelopment Site Area Master Plan under SP 2/2013. This plan provides the vision, directions and strategies for the redevelopment as required by the Complete Communities Direction Strategy.

On September 25, 2013, Council also approved an application from McGowan Russell Group to subdivide and rezone approximately 6.2 acres of the approximately 61 acres comprising the Palliser Major Redevelopment Site under DASZ 21/2013, the first phase within the master plan area. The recommendation of the Report of the Administrative Coordinating Group dated July 4, 2013 is that approval of DASZ 21/2013 be subject to the applicant entering into Servicing Agreement Addendum AG 21/2013, a second addendum to Servicing Agreement AG 222/96, containing, amongst other conditions, the following:

> The Developer shall finance and construct an asphaltic concrete multi-use path to a width of 3.5m on the north side of Springfield Road from Dunits Drive to Chief Peguis Trail as determined by and to the satisfaction of the Director of Public Works.

If the subject application is approved, the multi-use path will be located within the Springfield Road closing area.

Part of Springfield Road immediately east of the subject closing was incorporated into the Chief Peguis Trail Extension Project. Its closure was processed under application DAC 8/2011. Closing By-law No. 118/2011 was passed by Council on September 28, 2011 and subsequently registered in the Winnipeg Land Titles Office along with Plan No. 52863 on June 12, 2012. As part of this application, Springfield Road was terminated on both sides of the new facility. The existing roadway east of Dunits Drive is barricaded at its terminus at Chief Peguis Trail. A cul de sac is in place at this location.

Springfield Road originally provided access between Gateway Road and Lagimodiere Boulevard. It was opened by Plan No. 8653 which was registered in the Winnipeg Land Titles Office in July of 1964. The portion of Springfield Road comprising the subject closing provides no vehicular access to either of the properties on the north or south sides and appears to serve no apparent public transportation purpose.

CONSULTATION

In preparing this Report there was consultation with:

Internal Consultation:

There was consultation with the affected Civic departments.

External Consultation:

Manitoba Hydro, Centra Gas, MTS Inc., Shaw Cablesystems, Bell Canada, Rogers Communications, Norscan (River East School Division), and TeraSpan.
Imperial Oil and Fibre did not respond to the request for comments on this proposal.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Services
Prepared by:	Bohdan Buyachok, Real Property Officer
Date:	October 30, 2013
File No.	

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APPENDIX "A"

Administrative Approval

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the street closing.

Administrative Comments

Administrative approval of this application is subject to the following conditions:

Transportation Division of the Public Works Department:

> Approval of this application is conditional on the developer purchasing the entire closed portion of the right of way. The developer will also be required to build and maintain a pathway within the closed parcel to the satisfaction of the Director of Public Works, and enter into an agreement with the City of Winnipeg, registered by way of Caveat, to permit public access to the pathway.

Urban Forestry Branch of the Public Works Department:

> There are 22 existing trees on the north boulevard of Springfield Road of which 21 would be considered valuable assets to the Urban Forestry Branch. The trees in question are Green Ash with an average DBH (diameter breast height) of 25cm, all in good condition and located approximately 4m south of the property line within the 9m wide boulevard. If the street is closed and sold to Palliser Furniture, it would be in the City's best interest to ensure that an easement is in place, registered by way of Caveat, to accommodate the preservation of the trees in proximity to the active transportation pathway. A 6.0m wide easement from the curb line of Springfield Road would appear to provide enough room to ensure that all of the City of Winnipeg's needs are met from a tree preservation and active transportation perspective. If Palliser is not interested in preserving the trees and wishes to have ultimate authority over the land in question, the Urban Forestry Branch would seek compensation for the appraised value of the trees within the closing area as a condition of sale. The Active Transportation Coordinator has concurred in the acceptability of the 6.0m wide easement width.

Traffic Signals Branch of the Public Works Department:

> The closure of this portion of Springfield Road will require the removal of 9 X 250 watt luminaires along the street plus one more located in the island at the cul-de-sac for a total of 10 X 250 watt luminaires (and poles). Alternatively, should the developer desire to maintain the existing street lighting, the request must be submitted to Manitoba Hydro. Hydro would then be required to remove the street lighting from the City's bill and charge Palliser Furniture directly. As the City does not rely on private lighting to light public streets, Traffic Signals also requires a new 100 watt luminaire on a 25 foot pole located at the intersection of Springfield Road and Dunits Drive, the cost of which is approximately $7,000.00. Removal and installation costs are the responsibility of the developer.

Easements

The Engineering Division of the Water and Waste Department has identified an existing 1825mm interceptor sewer and a 450mm land drainage sewer pipe which turns into a 600mm land drainage trunk sewer within the Springfield Road right of way. As a condition of approval, the Water and Waste Department will require a blanket easement over the entire closing area to protect this infrastructure.

Manitoba Hydro, Centra Gas and Shaw Cablesystems have also identified services within the closing area and will require easements for their existing facilities.

No permanent structures will be allowed within the easement areas.

Any removal or relocation of existing facilities as a result of the proposed street closing will be at the expense of the applicant.

Transfer of Jurisdiction Over Public Rights-of-Way

The street must be legally closed before it may be sold. Title to all public rights of way in Manitoba is vested in the name of the Province. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right of way status from the land and vests the ownership of the property in the City's name. The City is not entitled to dispose of the land until this has been done.

Aerial View of Subject Closing



Miscellaneous Plan

